

5th September 2014

**THE METROPOLITAN BOROUGH OF STOCKPORT (HAZEL GROVE (A6) TO
MANCHESTER AIRPORT A555 CLASSIFIED ROAD) COMPULSORY
PURCHASE ORDER 2013**

**THE METROPOLITAN BOROUGH OF STOCKPORT (HAZEL GROVE (A6) TO
MANCHESTER AIRPORT A555 CLASSIFIED ROAD) (SIDE ROADS) ORDER
2013**

THE HIGHWAYS ACT 1980

-and-

THE ACQUISITION OF LAND ACT 1981

THE HIGHWAYS (INQUIRIES PROCEDURE) RULES 1994

COMPULSORY PURCHASE (INQUIRIES PROCEDURE) RULES 2007

Certificate application pursuant

to

**Section 19 of the Acquisition of Land Act 1981 in respect of land at Woodford
Road, Bramhall, Stockport and Moored Golf Course, Bramhall, Stockport**

WITNESS STATEMENT OF

Nazrul Huda

B.Eng C.Eng MICE

on behalf of

The Metropolitan Borough Council of Stockport

acting on its behalf and on behalf

of

Manchester City Council

-and-

Cheshire East Borough Council

VOLUME 1 – PROOF OF EVIDENCE

Local Public Inquiry – 30th September 2014

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1. Introduction and Scope of Evidence

1.1 I Nazrul Huda, hold a B.Eng Honours Degree in Civil Engineering from the University of Manchester which I attained in 2001. I am a Chartered Engineer and I am a member of the Institution of Civil Engineers having attained my professional qualification in 2007.

1.2 I am giving evidence on behalf of the Metropolitan Borough Council of Stockport (the "Council") on its behalf and on behalf of Manchester City Council and Cheshire East Borough Council by virtue of an Agreement entered into between the three partnering Authorities pursuant to Section 8 of the Highways Act 1980. I have read the Statement of Case; I am therefore aware of the broad case advanced to promote the aforementioned Orders.

1.3 I currently hold the position of Client Design Manager for the A6 to Manchester Airport Relief Road ('A6MARR') scheme at the Council and have done so since 2009. Prior to that I held the post of Senior Engineer for two years and have a total of 11 years' experience working in local government Highway infrastructure. I also have two years' experience working for a major civil engineering contractor.

1.4 My duties previously on A6MARR included the preparation of the tender stage scheme design and the preliminary design stage design in order for the Council, and its partners, to submit the planning application. This included coordination with other facets of the design carried out by others such as environmental design, traffic modelling, structures and drainage. I managed the design of the highway layouts, diversion of Public Rights of Ways, diversion of statutory utilities and earthworks using the council's in house team. This design works has been carried out by the A6MARR 'Project Team'.

1.5 I have previously worked on various highway schemes including major new build works and highway improvement schemes for and behalf of various local authorities.

1.6 I can confirm that the contents of my statement of evidence are my professional opinion and are true and gained from my own knowledge except where indicated. My evidence in this Proof is confined to the application by the Council to the Secretary of State for Communities and Local Government inviting the Secretary of State to certify by the issue of a Certificate pursuant to Section 19 of the Acquisition of Land Act 1981 that the Secretary of State is satisfied that equally advantageous land is to be provided to replace an area of existing public open space being lost to facilitate A6MARR.

2. Woodford Recreation Ground, Woodford Road, Bramhall, Stockport

2.1 The existing recreation ground is used for a variety of purposes. There are four football pitches, a cricket pitch (currently used on an ad-hoc basis during the summer), a skate ramp and changing rooms. The layout of the recreation ground is indicated in Appendix 1 – Drawing 1007/3D/DF7/A6-MA/WRG/298 Woodford Recreation Ground Landscape Design. The recreation ground is held for recreational purposes and managed by Stockport Metropolitan Borough Council. Following liaison with the Greenspace Manager a scheme of accommodation works was agreed which would mean that the primary functions of the ground would be retained i.e. the retention of four football pitches, the cricket pitch and the skate ramp. The accommodation works including drainage realignment, re-installation of the ball stop fence, re-arrangement of the pitches and goals posts are outlined on the same drawing. An email from the Greenspace Manager is attached within Appendix 2. It should be noted that a previous highway design required more of the recreation ground due to the position of the east bound diverge link road (off slip) on the approach to the proposed Woodford Road, grade separated junction.

2.2 Visual Surveys of the current usage at the existing recreation ground was carried in February and March 2014 at various times of the day. This provided data regarding the ad-hoc usage including the numbers of users using the ground for dog walking, jogging etc. The survey indicated that there were several users that were not purely there for the formal use such as a weekend football match but for the jogging and dog walking. The surveys are contained within Appendix 3.

2.3 During the pre-planning consultation, discussions took place between the design team and Sport England. They were ultimately satisfied that the function of the recreation ground would be retained. Sport England acknowledged that the four football pitches and the cricket pitch would remain in use and the lost area of leisure / ad hoc use would be replaced on the Exchange Land.

2.4 Various sites were assessed to accommodate the Exchange Land. As noted above the function of the recreation ground was largely able to be retained and therefore the objective was to determine land that could be used for recreational walking and jogging and other informal uses. The site would require the following statutory and scheme objectives to be met:

- Be (at least) of equal size;
- Be equally advantageous to the public
- Be equally accessible;
- Minimise the impact of the land take on any prospective land owner.

2.5 The design team ruled out various alternative sites before determining the land south of Albany Road to be the most appropriate. Sites that were considered are as follows:

1. Land to the west of Woodford Recreation Ground – the land is currently used for grazing and agricultural uses and a bridleway is proposed as part of the A6MARR proposals which will provide a walking, cycling and jogging route;
2. Land to the south of A555 – the fields here currently used for agricultural purposes would be less accessible for vulnerable road users such as children;
3. Land to the north – no sites available;
4. Land to the east of Woodford Road – the proposed area of land would be severed from the land owner's land holding post completion of the A6MARR. The majority of the land is predominantly used as a safety buffer between the 9 hole golf course and the residential properties on Albany Road, Bramhall.

The design team also liaised with the SMBC Planning Policy Officer in order to consult on the preferred option 4 above. There was no objection to the proposal provided that the proposals met with the statutory obligations. It was also determined to include the existing natural fence boundary to the east rather than so simply acquire the equivalent area to the lost land and omit an area that would likely be cumbersome to access and perform no function with respect to the golf course.

The site noted within option 4 also provided the following advantages:

1. The land would be accessible from various other walking / cycling routes such as the new shared footway/cycleway proposed adjacent to the A6MARR, Footpath14 and the residential estate to the north including Albany Road;
2. The shape of the residual land from the golf course offered an opportunity to provide more land than absolutely necessary in order to increase the amenity value of the Exchange Land;
3. The associate landscaping scheme would also provide opportunity to increase the landscape buffering between the residential estate and the A6MARR, although this was not a necessity, as outlined with the Proof of Paul Reid.
4. The larger plot size also offered the opportunity to construct amenity ponds and a landscaping scheme in order to maximise potential attractiveness and usage;
5. The land was only 250m away from the current recreation ground;

6. The land would be easily accessible via residential estate roads from Queensgate Primary School;
7. It was envisaged that the golf course would cease in operation following the lapse of a temporary planning consent and the commencement of the A6MARR works.

3. Section 19 Certificate Application

3.1 On the 13th December 2013 the Council acting on its behalf and as agent for Cheshire East Borough Council and Manchester City Council, under an Agreement pursuant to Section 8 of the Highways Act 1980 dated the 3rd December 2013 made –

‘the Metropolitan Borough of Stockport (Hazel Grove (A6) to Manchester Airport A555 Classified Road) (Side Roads) Order 2013 (the “Side Roads Order”) under sections 8, 14 and 125 of the Highways Act 1980 and

pursuant to the Side Roads Order, the Metropolitan Borough of Stockport (Hazel Grove (A6) to Manchester Airport A555 Classified Road) Compulsory Purchase Order 2013 (the “Compulsory Purchase Order”) under Sections 8, 239, 240, 246, 250 and 260 of the Highways Act 1980.’

and both the Compulsory Purchase Order and the Side Roads Order were submitted to the Secretary of State for Transport for confirmation to seek authority to enable the compulsory purchase of land and new rights to facilitate the provision of A6MARR and to allow alterations to the highways affected by A6MARR, which will support the Order being made at the same time to ensure that all the land needed for A6MARR is acquired should this not prove possible through voluntary means.

3.2 Included in the Compulsory Purchase Order is land forming part of the Woodford Recreation Ground, Bramhall, which is currently used as public open space and is needed to facilitate A6MARR (the “Order Land”). Because of the inclusion of public open space the Compulsory Purchase Order will be subject to special Parliamentary procedure unless the Secretary of State for Communities and Local Government (the “Secretary of State”) issues a certificate in accordance with the provisions of Section 19 of the Acquisition of Land Act 1981 (the “S.19 Certificate Application”) that the Secretary of State is satisfied and prepared to certify that under section 19(1)(a) of the Acquisition of Land Act

1981, the Secretary of State is satisfied that there has been or will be given in exchange for the Order Land an area of other land (the "Exchange Land"), which is not less in area and is equally advantageous to persons, if any, entitled to rights of common or other rights, and to the public and that the Exchange Land has been or will be vested in the persons in whom the Order Land was vested and subject to the like rights, trusts and incidents as are attached to the Order Land

3.3 The Order Land is described in the First Schedule to my Proof and the Exchange Land is described in the Second Schedule.

3.4 The Order Land comprises an area of land measuring in the whole 7,442 square metres which forms part of the Woodford Recreation Ground, Bramhall and which is currently used for public recreation. This part of the Woodford Recreation Ground will be needed for the construction of the exit slip road heading east on the A555 as it approaches Woodford Road, Bramhall, although it has been possible through design refinement to reduce the extent of the loss of open space in order to maintain the use of existing football pitches located nearby. This loss of the Order Land is proposed to be replaced with the Exchange Land measuring 16,722 square metres, which is located approximately 250 metres east of Woodford Road and bounded by the A6MARR and the rear of properties along Albany Road, Woodford. The land will be held for the equivalent statutory purposes as Woodford Recreation Ground and be maintained by Stockport Metropolitan Borough Council.

3.5 Access to the replacement public open space will be provided via an existing footpath (FP14 Hazel Grove to Bramhall) and a new shared used cycleway/footway adjacent to the A6MARR with a link also being provided from Albany Road, Woodford.

3.6 The Order Land is shown coloured blue on the plan (drawing no: 1007/3D/DF7/A6-MA/POS/301), annexed to my Proof and the Exchange Land is shown on the plan (drawing no: 1007/3D/DF7/A6-MA/POS/302 - revision A) coloured green appended within Appendix 4.

3.7 In accordance with the prescribed statutory procedures the Council on the 30th April 2014 published Notice of the S.19 Certificate Application inviting representations or objections in relation to the proposal to be sent to National Planning Casework Unit, No 5 St Philip's Place, Colmore Row, Birmingham B3 2PW by Friday, the 23rd May 2014.

4. Objection to the S.19 Certificate Application

4.1 One objection to the S.19 Certificate application was received from Squire Patton Boggs (UK) LLP of Trinity Court, No 16 John Dalton Street, Manchester M60 8HS on behalf of Mr and Mrs Peter

Holmes of Moorend Farm, Woodford Road, Woodford, Stockport. A copy of the objection dated the 23rd May 2014 is appended to my Proof as Appendix 5.

4.2 The points of objection have been examined and discussions have been held with representatives of the objectors to see if their objections can be satisfied, although the Council has already responded to the individual points of objection on the 4th August 2014 and which is paraphrased as follows –

4.2.1 Firstly, the objectors point out that they own Moorend Golf Club and the provision of the Exchange Land comprising plots 5/7A and 5/7D will have a significant impact on their ability to properly operate and manage the golf course.

4.2.1.1 In response the Council has acknowledged that whilst the impact of A6MARR as a whole is significant and may result in the closure of Moorend Golf Course (but not the driving range), it is considered that the acquisition of the Exchange Land comprising plots 5/7A and 5/7D, does not in isolation have a material impact on the ability of the objectors to operate and manage the Golf Course. It is rather the land required for the road, its embankments and the drainage ponds that will have material impact on the operation of the Golf Course.

4.2.2.2 Secondly, the objectors note that at paragraph 30.1 of the Council's Statement of Case, the areas of the Order Land and Exchange Land amount to 7,442 square metres and 16,722 square metres, respectively and maintain that notwithstanding the size of the areas of Open Space and Exchange Land referred to in the Order Schedule; Statement of Reasons and Statement of Case no explanation has been offered for what the objectors describe as an "inconsistency" in size between the two parcels of land and claim that no attempt has been made by the Council to explain or justify why such a large area of Exchange Land is required to replace the lost Order Land".

4.2.2.1 In response the Council has pointed out that the existing and proposed physical boundaries of the Exchange Land created by the nearby residential estate, the private land to the east of the Exchange Land and the proposed route of A6MARR will limit the future ability of the objectors to use the Exchange Land for beneficial use. Whilst it is acknowledged that the area of Exchange Land is greater than the area of the lost Order Land, the area of the Exchange Land needs to be of a sufficient size to be of recreational use to the public and to carry out landscaping and ecological features to ensure that the Exchange Land is equally advantageous to users. It is considered that the proposed larger area of the Exchange Land provides greater benefit in amenity to the neighbouring residential housing estate, allowing a variety of usages consistent with the original use of the Exchange Land space. It should also be noted that the area of land proposed for the Exchange Land

is not currently used for the operation of the Golf Course.

4.3 Thirdly, the objectors again refer to the size of the Exchange Land compared to the Order Land and that the Council has not provided justification, as to why such a significantly larger area of Exchange Land is being acquired. In addition the objectors claim that no assessment has been undertaken by the Council as to whether any alternative areas of land were available to replace the Order Land which would avoid the need to compulsory purchase the Exchange Land.

4.3.1 The location of the Exchange Land was determined following evaluation of land adjacent to the existing Woodford Recreation Ground. The plot chosen is close proximity to and can be accessed from the existing Woodford Recreation Ground without crossing the existing A555. Land to the west of Woodford Recreational Ground is currently in use whereas it is envisaged that the impact on the retained Moorend Golf Course operation will be negligible as the land is severed from the remainder the retained lands by the road scheme.

4.4. On the 20th August 2014 the objectors replied to the initial comments by the Council and a copy of the letter from Squire Patton Bogg (UK) LLP for the objectors is appended to my Brief as Appendix 6. The further points of objection largely replicated the points of objection already made or otherwise sought clarification but which have been taken into account in the preparation of this Proof. .

5. Conclusion

5.1 The Council has explained in its response to the objection why the whole of the Exchange Land is needed to enable the environment and ecology of the Exchange Land to be improved so that the Exchange Land will not just provide an equally advantageous replacement area of public open space but will enhance the amenity of the open space, especially for the benefit of the nearby residential estate with an opportunity for more recreational activities to be carried on the Exchange Land than is currently possible on the Order Land being lost to A6MARR.

5.2 I Nazrul Huda believe the matters set out in my evidence to be true to the best of my knowledge and belief.

Signed 

Dated 5TH SEPTEMBER 2014

FIRST SCHEDULE

Order Land

Number on Map	Extent, description and situation of the land	Qualifying persons under paragraph 3 of Schedule 1 to the Acquisition of Land Act 1981			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
In the Metropolitan Borough of Stockport					
5/1	All interests in 5687 square metres part of Woodford Recreational Ground including parts of 2 No. football pitches, west of and adjoining A5102 Woodford Road, Woodford and south of Regent Close, Bramhall, except interests owned by the acquiring authority.	The Chief Executive The Metropolitan Borough Council of Stockport Town Hall Edward Street Stockport Cheshire SK1 3XE	-	-	Owner
5/1A	All interests in 633 square metres part of access track to Woodford Recreational Ground, west of A5102 Woodford Road, Woodford and south of Regent Close, Bramhall, except interests owned by the acquiring authority.	The Chief Executive The Metropolitan Borough Council of Stockport (As Plot 5/1)	-	-	Owner
5/1B	All interests in 166 square metres part of gardens forming part of Woodford Recreational Ground, west of A5102 Woodford Road, Woodford, except interests owned by the acquiring authority.	The Chief Executive The Metropolitan Borough Council of Stockport (As Plot 5/1)	-	-	Owner

5/1C	All interests in 102 square metres part of gardens forming part of Woodford Recreational Ground, west of A5102 Woodford Road, Woodford, except interests owned by the acquiring authority.	The Chief Executive The Metropolitan Borough Council of Stockport (As Plot 5/1)	-	-	Owner
5/1D	All interests in 953 square metres part of gardens forming part of Woodford Recreational Ground, west of A5102 Woodford Road, Woodford, except interests owned by the acquiring authority.	The Chief Executive The Metropolitan Borough Council of Stockport (As Plot 5/1)	-	-	Owner
In the Metropolitan Borough of Stockport					
5/1E	All interests in 899 square metres part of Woodford Recreational Ground including parts of 3 No. football pitches, west of and adjoining A5102 Woodford Road, Woodford and south of Regent Close, Bramhall, except interests owned by the acquiring authority.	The Chief Executive The Metropolitan Borough Council of Stockport (As Plot 5/1)	-	-	Owner
5/1F	All interests in 614 square metres part of Woodford Recreational Ground including parts of 3 No. football pitches, west of and adjoining A5102 Woodford Road, Woodford and south of Regent Close, Bramhall, except interests owned by the acquiring authority.	The Chief Executive The Metropolitan Borough Council of Stockport (As Plot 5/1)	-	-	Owner
6/1H	All interests in 33 square metres part of Woodford Recreational Ground, north of A555, Woodford and east of Hall Moss Lane, Bramhall, except interests owned by the acquiring authority.	The Chief Executive The Metropolitan Borough Council of Stockport (As Plot 6/1)	-	-	Owner

6/1I	All interests in 25 square metres part of Woodford Recreational Ground, north of A555, Woodford and east of Hall Moss Lane, Bramhall, except interests owned by the acquiring authority.	The Chief Executive The Metropolitan Borough Council of Stockport (As Plot 6/1)	-	-	Owner
6/1J	All interests in 83 square metres part of Woodford Recreational Ground, north of A555, Woodford and east of Hall Moss Lane, Bramhall, except interests owned by the acquiring authority.	The Chief Executive The Metropolitan Borough Council of Stockport (As Plot 6/1)	-	-	Owner

SECOND SCHEDULE

Exchange Land

Number on Map	Extent, description and situation of the land	Qualifying persons under paragraph 3 of Schedule 1 to the Acquisition of Land Act 1981			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
In the Metropolitan Borough of Stockport					
5/7A	1008 square metres Part of Moorend Golf Course, east of A5102 Woodford Road, Woodford and south of Queensgate Primary School, Bramhall and Albany Road, Bramhall.	1. Peter Rodney Holmes 2. Barbara Elizabeth Holmes Both of: Moorend Farm Woodford Road Woodford Stockport Cheshire SK7 1QE	-	-	Owners
5/7D	15982 square metres Parts of Moorend Golf Course and Public Footpath FP14A, east of A5102 Woodford Road, Woodford and south of Queensgate Primary School, Bramhall and Albany Road, Bramhall.	1. Peter Rodney Holmes 2. Barbara Elizabeth Holmes (Both as Plot 5/7A)	-	-	Owners